

REMARKS/ARGUMENTS

This amendment accompanies a Request for Continued Examination and addresses the issues presented in the Official Action of January 29, 2009, a final rejection.

Claims 10-12 and 14-18 will be pending in the application subsequent to entry of this Amendment.

Based on the comments on page 3, first paragraph of the Official Action, it would appear that the term "comprising" appearing in line 2 of claim 10 has led to some unnecessary concerns with respect to the scope of the claims under review.

In a telephone discussion with Examiner Betton on April 24, 2009, the undersigned proposed deleting the term "comprising" and replacing it with the term "by". As I explained, the term "comprising" as previously used in claim 10 was simply a transitional term and was not intended to include disorders caused by andropause apart from those already specified in claim 10, that is the disorders expressed in the form of a *Markush* group which are selected from the specific group listed. Examiner Betton agree that this change would at the very least clarify matters.

Counsel and applicants submit that this amendment to claim 10 clarifies the claims and serves to distinguish the claims from the applied prior art

The amendment to claim 10 also is responsive to the alleged lack of enablement rejection stated on page 8 of the Official Action and thus not only responds but resolves that rejection as well.

For the above reasons it is submitted that claims 10-12 and 14-18 define novel and inventive subject matter that is fully enabled on the basis of the description of the invention in this application. Reconsideration and allowance are solicited.

Should this Amendment not place all claims in condition for allowance and/or the examiner has any questions, please contact the undersigned.

KOVERECH et al.
Appl. No. 10/535,509
April 27, 2009

Respectfully submitted,

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